

STIPULATION SELECTING ADR PROCESS

If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private arbitrator, the Court will set reasonable compensation and costs.

III. NEUTRAL

The parties are in the process of evaluating options and agreeing upon a mediator. The parties will provide the Court with the name of the neutral within fourteen (14) days.

Plaintiffs believe that in order for any mediation to be effective, it is necessary to obtain certain information from Defendant regarding the scope of its use of Plaintiffs' publications. The parties are attempting to negotiate an exchanged summary of information pursuant to F.R.C.P. Rule 408 in order to allow the formulation of reasonable settlement positions. Because Defendant's use of Plaintiffs' publications occurred on Defendant's private secure servers, there is no other manner through which Plaintiffs can completely ascertain how its publications were used. If the parties are unable to reach an agreement on such an informal exchange of information, then written discovery will be necessary before a meaningful mediation can take place.

IV. PARTICIPANTS

Name and title of the individual(s) who will be attending the mediation or early neutral evaluation session, **in addition to counsel**, in accordance with **Section 2.7 (Attendance at Session)** of the Court's ADR Policies and Procedures:

For Plaintiff(s): Mark Wellman, Manager, Intellectual Property; John Hitchcock, Vice President and Managing Director

For Defendant(s): Barry Klenowski, Counsel, United Refining

If there is insufficient space to list all parties who will be attending the session, please add additional sheets as necessary.

Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority, **as specified in sub-section (A)(1-3) of the above section of the Court's ADR Policies and Procedures.**

V. ACKNOWLEDGMENT

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

Dated: January 6, 2016 /Robert L. Powley/
Attorney for Plaintiffs

Dated: January 6, 2016 /Darin J. McMullen/
Attorney for Defendant